

2-23-04

37618

PTO/SB/21 (01-03)

Approved for use through 04/30/2003. OMB 0651-0031  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/057,197	
	Filing Date	10/26/2001	
	First Named Inventor	Martin J. WENSLEY	
	Art Unit	3761	
	Examiner Name	D. EREZO	
Total Number of Pages in This Submission	85	Attorney Docket Number	00014.01R

I.D.S.

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b> PTO/SB/17 Fee Transmittal (2 copies 1 page each) Suppl. Info. Discl. Statement (2 pp.) Form 1449 (3 copies; 1 page each) Copy of Office Action (25 pp.) Copy of 3 references (53 pp.)		

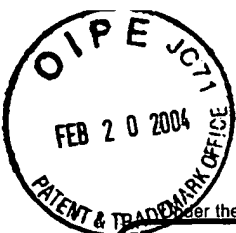
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TECHNOLOGY CENTER R3700

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	ALEXZA MDC, 1001 East Meadow Circle, Palo Alto, CA 94303 Elaine C. Stracker, Ph.D., J.D. Telephone: (650)687-3905
Signature	 Customer Number: 37485
Date	February 20, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: February 20, 2004			
Typed or printed	Lissa Oros		
Signature		Cut	Date February 20, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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PTO/SB/17 (01-03)  
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# FEE TRANSMITTAL for FY 2003.

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

## Complete if Known

Application Number	10/057,197
Filing Date	10/26/2001
First Named Inventor	Martin J. WENSLEY
Examiner Name	D. EREZO
Art Unit	3761
Attorney Docket No.	00014.01R

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

502731

Alexza Molecular Delivery

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	2054 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180.00
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Elaine C. Stracker, Ph.D., J.D.	Registration No. (Attorney/Agent)	43,166	Telephone	650-687-3905
Signature	<i>Elaine C. Stracker</i>	Date	02/20/2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No: EV 450 367 076 US

Date of Deposit: February 20, 2004

I hereby certify that the enclosed application, and any other documents referred to as enclosed herein are being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and addressed to Commissioner for Patents United States Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450.

LISSA OROS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Martin J WENSLEY et al.

Examiner: D. Erez

Serial No.: 10/057,197

Group Art Unit: 3761

Filing Date: October 26, 2001

Date: February 20, 2004

For: AEROSOL GENERATING METHOD AND DEVICE

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Supplemental Information Disclosure Statement

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231

Dear Sir:

In accordance with their continuing duty of disclosure under 37 CFR §1.97, 1.98 and 1.56, Applicants hereby submit for consideration in the above-identified application additional references. The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), and before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by the fee set forth in 37 CFR 1.17(p).

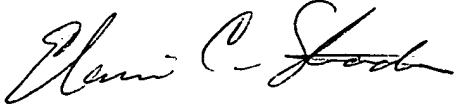
For the convenience of the Examiner, the references are listed on a Supplemental PTO Form 1449 (attached) and copies thereof are enclosed. Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required

relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 502731**.

Please direct all correspondence to the following customer number: 37485.

Respectfully submitted,



Elaine C. Stracker, Ph.D., J.D.  
Registration No. 43,166  
Vice President Intellectual Property  
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1001 East Meadow Circle  
Palo Alto, CA 94303  
TEL: (650) 687-3905  
FAX: (650) 687-3999

Form PTO-1449

Docket Number: 00014.01R

Application Number: 10/057,197

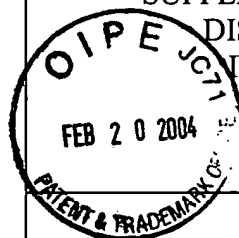
SUPPLEMENTAL INFORMATION  
DISCLOSURE CITATION  
IN AN APPLICATION

Applicant: Martin J. WENSLEY et al.

Filing Date: 10/26/2001

Group Art Unit: 3761

(Use several sheets if necessary)



## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	02/25/1997	5,605,146	Sarela, Antti			
	2.	04/20/1999	5,894,841	Voges, Robert Martin			
	3.	10/14/2003	6,632,047	Vinegar et.al.			

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## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	4.						
	5.						

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	6.	Office Action mailed 12/4/2003 for US application 10/057,198 filed 10/26/2001 "METHOD AND DEVICE FOR DELIVERING A PHYSIOLOGICALLY ACTIVE COMPOUND"
	7.	

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449

Docket Number: 00014.01R

Application Number: 10/057,197

SUPPLEMENTAL INFORMATION  
DISCLOSURE CITATION  
IN AN APPLICATION

Applicant: Martin J. WENSLEY et al.

Filing Date: 10/26/2001

Group Art Unit: 3761

(Use several sheets if necessary)

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Form PTO-1449

Docket Number: 00014.01R

Application Number: 10/057,197

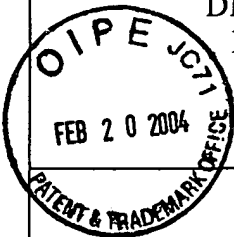
**SUPPLEMENTAL INFORMATION  
DISCLOSURE CITATION  
IN AN APPLICATION**

(Use several sheets if necessary)

Applicant: Martin J. WENSLEY et al.

Filing Date: 10/26/2001

Group Art Unit: 3761



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Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	4.						
	5.						

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**OTHER DOCUMENTS**

(including author, title, Date, Pertinent Pages, Etc.)

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